

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

No. CV 15-0460 MV/GBW  
CR 08-1541 MV

FRANCISCO BURCIAGA,

Defendant.

**ORDER TO CURE DEFICIENCY**

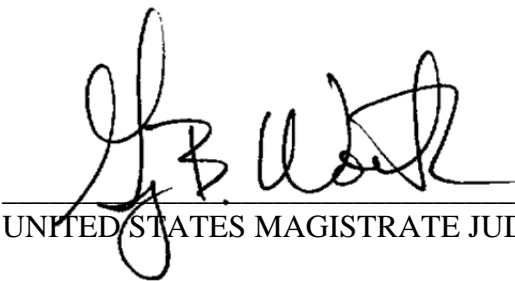
This matter is before the Court on Defendant's "accord Rule 60(b)(5);(6)" (CV Doc. 1; CR Doc. 282) filed on June 1, 2015, and entered on the criminal and civil dockets as a Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence. The document makes several references to 28 U.S.C. § 2255 but does not identify constitutional claims against Defendant's conviction or sentence. On page 3, Defendant identifies his document as a "Petition for Relief Rule 60 Civil" but does not ask the Court to vacate, set aside, or correct his sentence. The motion is not on a proper form and is deficient as a § 2255 motion.

If Defendant wishes to pursue relief under 28 U.S.C. § 2255, he must submit a motion on proper form and identify his constitutional claims against his conviction and/or sentence. Defendant must include the case numbers (CV 15-0460 MV/GBW; CR 08-1541 MV) of this proceeding on all papers that he files in this proceeding. Failure to timely cure the designated deficiencies may result in dismissal of Defendant's "accord Rule 60(b)(5);(6)."

IT IS THEREFORE ORDERED that Defendant cure the deficiencies designated above within twenty-one (21) days from entry of this Order;

IT IS FURTHER ORDERED that the Clerk is directed to mail to Defendant, together with

a copy of this Order, a form 28 U.S.C. § 2255 motion.



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UNITED STATES MAGISTRATE JUDGE